

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of ) "INVERTER CIRCUITS" *SD*  
Ole K. Nilssen ) Examiner: T. Beha *12-18-81*  
Serial No. 06/178,187 ) Group Art Unit 212  
Filed: August 14, 1980 )

REVOCATION OF PAST POWER OF ATTORNEY  
AND GRANTING OF NEW POWER OF ATTORNEY

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

The Power of Attorney previously granted to John K.  
Lucas, McCaleb, Lucas & Brugman and to the partners of that  
firm is hereby revoked and a new Power of Attorney is hereby  
granted to James W. Potthast, Reg. No. 26,792.

Please send all future correspondence to my new  
attorney at his new address:

JAMES W. POTTHAST  
Three Illinois Center - Suite 1210  
303 East Wacker Drive  
Chicago, Illinois 60601

Your immediate attention to this matter will be greatly  
appreciated.

Respectfully submitted,

*Ole K. Nilssen*  
Ole K. Nilssen

Date 11-30-81

Examiner's communication states that Applicant's Appeal Brief filed December 28, 1987, is being returned for failing to comply with 37 CFR 1.3.

Yet, in spite of Examiner's "explanation", Applicant does not understand why Examiner believes that the Reply Brief does not conform to reasonable standards of "decorum and courtesy"; neither does Applicant understand why Examiner is so concerned about such a non-central issue as "courtesy" -- especially to the degree it might be lacking from the Appeal Brief.

In particular and by way of example, in what way is it discourteous to state that:

"Examiner has led Applicant to believe that Examiner may not possess ordinary skill in the art to which the claimed invention belongs".

Is Examiner embarrassed with respect to his level of skill relative to the subject matter of the claimed invention? --- Why otherwise would he be so clearly reluctant to respond to Applicant's inquiry about his skill level?

From Applicant's perspective, by responding as he does, Examiner not only provides further indication of his lack of competence, but also shows a clear lack of dedication to effectively performing his duties of office.

Also, Examiner takes the position that Applicant's remarks regarding Examiner's competence are non-appropos in the Appeal Brief, stating that "the brief should be limited to addressing the grounds of rejection stated by the Examiner".

Yet, as Applicant eventually came to understand during the course of the prosecution, Examiner' real grounds of rejection were based on his lack of ordinary skill in the subject matter to which the claims at issue are directed; and, although these real grounds were (of course) not explicitly stated by Examiner, they were never-the-less stated implicitly by the nature of his arguments and reasoning. Hence, in order to address the real grounds of rejection, Applicant has no choice but to address the issue of Examiner's competence.

Finally, Applicant wishes to point out that -- after having prosecuted a very large number of applications at the PTO -- he has concluded that examiners generally do not possess ordinary skill in the art pertinent to the various applications they are charged with examining; and now, as a matter of "standard policy", Applicant automatically addresses the issue of Examiner's competence.

So, in many different applications, Applicant has raised the issue of Examiner's competence; and, in that connection, it is very revealing to note that:

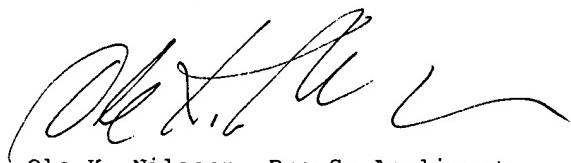
i) whenever Applicant raises the issue of Examiner's competence with respect to an application being prosecuted in Group 210, the result is a strong reaction to the effect of trying to avoid the issue; whereas

ii) whenever this issue of Examiner's competence is being raised with respect to an application prosecuted in Group 260, the result is an effort to address the issue.

As Commissioner well knows, Applicant believes that the examination procedure at the PTO is materially deficient in respect to establishing obviousness under paragraph "103": it forces PTO's examiners to apply hindsight judgement in respect to subject matters in which they possess less than ordinary skill.

Applicant has previously written to Commissioner on this point, only to receive "Dear John" letters in return: clearly, Commissioner does not believe that his procedures could stand significant improvement.

Absent constructive response from the Commissioner, Applicant has taken his case to the CAFC (in the form of appeals from decisions of POT/BA); where he believes he will be more successful in terms of forcing an improvement in Commissioner's procedures. In this connection, one of the key issues Applicant plans to present to the CAFC is that of the examiners' lack of ordinary skill in the subject matters on which they are called-upon to render (hindsight) judgements.



Ole K. Nilssen, Pro Se Applicant

Date: 1-29-88